

Version with Markings to Show Changes Made

1. (Three Times Amended) Apparatus for notifying a called-but-busy party of an incoming telephone call attempt over a telephone line while the called-but-busy party is accessing the Internet over the same telephone line, comprising:

an Internet communication module; and

a message formatter;

wherein said Internet communication module is adapted to cause said message formatter to send a personalized notification message recorded by said remote telephone user to said called-but-busy party upon request from a remote telephone user.

12. (Three Times Amended) A method for notifying an Internet user of a telephone line that a calling party is attempting to connect with said Internet user, comprising:

uniquely identifying an Internet user via a telephone call; and

notifying said Internet user through a personalized notification message recorded by said calling party that said calling party is requesting access to said Internet user over said telephone line.

18. (Three Times Amended) A method for notifying an Internet user of a telephone line that a calling party is attempting to connect with said Internet user, comprising:

determining at a central office a likelihood that said Internet user is connected with said Internet;

notifying an attempted calling party to said Internet user of said likelihood from said central office; and

giving said calling party an opportunity of sending said Internet user a personalized message recorded by said calling party.

19. (Three Times Amended) Apparatus for notifying an Internet user of a telephone line that a calling party is attempting to connect with said Internet user, comprising:

means for uniquely identifying an Internet user via a telephone call;
and

means for notifying said uniquely identified user that said calling party is requesting access to said Internet user over said telephone line through a personalized message recorded by said calling party.

25. (Three Times Amended) Apparatus for notifying an Internet user of a telephone line that a calling party is attempting to connect with said Internet user, comprising:

means for determining at a central office a likelihood that said Internet user is connected with said Internet; and

means for notifying an attempted calling party to said Internet user of said likelihood to allow said calling party an opportunity to give said Internet user a personalized message recorded by said calling party.

29. (Amended) The apparatus for notifying a called-but-busy party of an incoming telephone call attempt over a telephone line while the called-but-busy party is accessing the Internet over the same telephone line according to claim [26] 28, wherein:

said call related information receiver is a Caller ID receiver.

33. (Amended) A method for notifying an Internet user of a telephone line that a calling party is attempting to connect with said Internet user, comprising:

uniquely identifying an Internet user via a telephone call; and

notifying said Internet user through a specially designated, predetermined telephone number center, adapted to receive a call from said calling party with a desire to send a notification message to said Internet user, that said calling party is requesting access to said Internet user over said telephone line.

39. (Amended) Apparatus for notifying an Internet user of a telephone line that a calling party is attempting to connect with said Internet user, comprising:

means for uniquely identifying an Internet user via a telephone call;

and

means for notifying said uniquely identified user that said calling party is requesting access to said Internet user over said telephone line through a specially designated, predetermined telephone number center adapted to receive a call from said calling party with a desire to send a notification message to said Internet user,.

REMARKS

Claims 1, 12, 18, 19, 25, 29, 33 and 39 are amended herein. Claims 1-44 remain pending in the application.

35 USC 112 Rejection of Claim 29

The Office Action rejected claim 29 as allegedly being indefinite under 35 USC 112.

The claim has been reviewed and is amended where appropriate. It is respectfully submitted that the claim is now in full conformance with 35 USC 112. It is respectfully requested that the rejection be withdrawn.

Claims 1-5, 8-15, 17, 19-29, 32-36, 38-42 and 44 over Smock

In the Office Action, claims 1-5, 8-15, 17, 19-29, 32-36, 38-42 and 44 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Smock et al., U.S. Patent No. 6,377,668 ("Smock"). The Applicants respectfully traverse the rejection.

Claims 1-5, 8-15, 17 and 19-25 respectively recite, *inter alia*, a personalized notification message recorded by a remote telephone user or calling party.

Smock appears to teach a method and apparatus to inform an online computer user of a presence of an incoming telephone call without disturbing an associated modem connection (Abstract). A synthesized voice message announces the name and telephone number of a caller to the user (Smock, col. 3, lines 66-col. 4, line 2). The voice messages stored in a voice database are played to the user over a speaker (Smock, col. 4, lines 2-4). A caller with a desire to access an Internet user calls the telephone number of the Internet user (Smock, col. 3, lines 34-45).

Smock teaches issuing a synthesized voice message to an Internet user. Smock teaches the synthesized voice message is pre-stored in a voice database. Smock's synthesized voice message relays caller ID information to an Internet use. Smock's synthesized voice message is **NOT** a **personalized** message, much less a personalized notification message recorded by a remote

telephone user or calling party, as respectively claimed by claims 1-5, 8-15, 17 and 19-25.

A benefit of sending a personalized message versus a “canned” message to an Internet user is, e.g., giving the Internet user more information when deciding to take a call. A personalized message may allow an Internet user to continue uninterrupted without having to converse with a calling party if a calling party only needs to relay information not needing a reply.

Claims 26-29, 32-36, 38-42 and 44 recite, *inter alia*, a specially designated, predetermined telephone number center adapted to receive a call from a caller with a desire to send a notification message to a called-but-busy party.

Smock teaches a caller with a desire to access an Internet user calls the telephone number of the Internet user. Smock fails to teach a specially designated, predetermined telephone number center adapted to receive a call from a caller, much less a specially designated, predetermined telephone number center adapted to receive a call from a caller with a desire to send a notification message to a called-but-busy party, as claimed by claims 26-29, 32-36, 38-42 and 44.

A benefit of providing a specially designated, predetermined telephone number center adapted to receive a call from a caller with a desire to send a notification message to a called-but-busy party is, e.g., an alternate way of notifying an Internet user. Smock requires an Internet user obtain call waiting. Call waiting is an optional service that adds cost to a user’s bill. Providing a caller with the option to call a specially designated, predetermined telephone number center relieves the Internet user from obtaining call waiting service and still have notice that a caller is attempting to reach the Internet user.

Accordingly, for at least all the above reasons, claims 1-5, 8-15, 17, 19-29, 32-36, 38-42 and 44 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claim 18 over Norris

In the Office Action, claim 18 was rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Norris et al., U.S. Patent No. 5,805,587 (“Norris”). The Applicants respectfully traverse the rejection.

Claim 18 recites, *inter alia*, giving a calling party an opportunity of sending an Internet user a personalized message recorded by the calling party.

Norris appears to teach a method and apparatus of notifying an Internet user of a caller while the Internet user’s telephone station is connected to the Internet (Abstract). If an Internet user is busy on the Internet, an alerting message is given to the Internet user that a call is waiting (Norris, col. 6, lines 28-33). The Internet user is given the options of connecting the caller to voice mail, terminating the call or connecting the call (Norris, col. 6, lines 34-36). Connecting the call allows real-time conversion of a caller’s voice to digital form, transmission over the Internet and reconstruction of the voice of the caller at an Internet terminal (Norris, col. 7, lines 5-53). The Internet user is given the option of conversing with the caller through digitization of both the caller’s and the Internet user’s voices for transmission over the Internet (Norris, col. 8, lines 20-49).

Norris teaches that an Internet user is notified that a calling party desires to speak to the Internet user, and the Internet user responds by picking an option for the calling party. Norris’ Internet user is notified of a calling party’s desire to access the Internet user through a “canned” announcement (Norris, col. 6, lines 29-39). Norris fails to teach a personalized message, as claimed by claim 8. Moreover, Norris teaches allowing a caller and an Internet user to converse with each other through digitization of their respective voices for transmission over the Internet. A conversation is NOT a personalized message, much less a personalized message recorded by a calling party, as claimed by claim 18.

Norris fails to teach giving a calling party an opportunity of sending an Internet user a personalized message recorded by the calling party, as claimed by claim 18.

A benefit of sending a personalized message versus a “canned” message to an Internet user is, e.g., giving the Internet user more information when deciding to take a call. A personalized message may allow an Internet user to continue uninterrupted without having to converse with a calling party if a calling party only needs to relay information not needing a reply.

Accordingly, for at least all the above reasons, claim 18 is patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 6, 7, 16, 30, 31, 37 and 43 over Smock in view of Foladare

In the Office Action, claims 6, 7, 16, 30, 31, 37 and 43 were rejected under 35 U.S.C. §103(e) as allegedly being obvious over Smock in view of Foladare et al., U.S. Patent No. 5,982,774 (“Foladare”). The Applicants respectfully traverse the rejection.

Claims 6, 7, 16, 30, 31, 37 and 43 are dependent on claims 1, 12, 26, 33 and 39 respectively, and are allowable for at least the same reasons as claims 1, 12, 26, 33 and 39.

Claims 6, 7 and 16 respectively recite, *inter alia*, a personalized notification message recorded by a remote telephone user or calling party.

As discussed above, Smock fails to teach a personalized notification message recorded by a remote telephone user or calling party, as respectively claimed by claims 6, 7 and 16.

The Office Action relies on Foladare to allegedly make up for the deficiencies in Smock to arrive at the claimed invention. The Applicants respectfully disagree.

Foladare appears to teach a user connected to the Internet through an Internet Access Provider (IAP) (Abstract). A user is informed of a waiting call by a signal sent by a Local Exchange Carrier (LEC) to the IAP that indicates the presence of the waiting call and the identity of the calling party (Foladare, Abstract). A message to the Internet user is placed on either a new page, a new window page, on a current page or on an over-write within the current page (Foladare, col. 3, lines 13-35).

Foladare's notification message is a textual message, **NOT** a personalized notification message, much less a personalized notification message recorded by a remote telephone user or calling party, as respectively claimed by claims 6, 7 and 16.

Neither Smock nor Foladar, either alone or in combination, disclose, teach or suggest a personalized notification message recorded by a remote telephone user or calling party, as respectively claimed by claims 6, 7 and 16.

Claims 30, 31, 37 and 43 recite, *inter alia*, a specially designated, predetermined telephone number center adapted to receive a call from a caller with a desire to send a notification message to a called-but-busy party.

As discussed above, Smock fails to teach a specially designated, predetermined **telephone number center** adapted to receive a call from a caller with a desire to send a notification message to a called-but-busy party, as claimed by claims 30, 31, 37 and 43.

The Office Action relies on Foladare to allegedly make up for the deficiencies in Smock to arrive at the claimed invention. The Applicants respectfully disagree.

Foladare teaches a LEC that intercepts a caller to an Internet user and notifies an IAP of a pending call. The IAP forward the notification to the Internet user. Foladare's LEC does not have its own telephone number. Foladare's LEC is **NOT** a specially designated, predetermined **telephone number center**, much less a specially designated, predetermined **telephone number center** adapted to receive a call from a caller with a desire to send a notification message to a called-but-busy party, as claimed by claims 30, 31, 37 and 43.

Neither Smock nor Foladare, either alone or in combination, disclose, teach or suggest a specially designated, predetermined **telephone number center** adapted to receive a call from a caller with a desire to send a notification message to a called-but-busy party, as claimed by claims 30, 31, 37 and 43.

Accordingly, for at least all the above reasons, claims 6, 7, 16, 30, 31, 37 and 43 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



William H. Bollman
Reg. No. 36,457

Manelli Denison & Selter PLLC
2000 M Street, NW
Suite 700
Washington, DC 20036-3307
TEL. (202) 261-1020
FAX. (202) 887-0336

WHB/df